IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.11547 of 1998

Dated: October 17, 2006

Between:

M.V. Subbaiah, S/o. Ramaiah, aged about 33 years, R/o. Rayavaram, Markapur Mandal, Prakasam District.

… Petitioner

And

The Joint Commissioner for Government, Examinations, Government of Andhra Pradesh, Hyderabad, and others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in taking steps to remove the petitioner from service as illegal and arbitrary.

2. Heard learned counsel for petitioner and learned Government Pleader appearing for the respondents.

3. In the affidavit filed in support of the Writ Petition, it is stated that the petitioner, after completing his S.S.C., joined Teacher Training Course in the state of Karnataka, which is conducted by Karnataka Secondary Education Examination Board. In the year 1986, when posts of Secondary Grade Teachers were notified in Ongole, Prakasam District, he had applied to the said post and was selected. After selection, he was posted to Primary Secondary Education School; Ganugapenta by proceedings dated 25-06-1986 and worked at various places. During the year 1995, a show cause notice was issued to him alleging that the Teacher Training Certificate produced by him is bogus and why action should not be taken against him. It is stated that pursuant to the said notice, the petitioner had offered his explanation; however, no orders have been passed on the same as yet. However, it is stated that the Mandal Development Officer has orally instructed the petitioner not to attend the school. When the petitioner was being prevented in attending the school, he had come up with this Writ Petition.

4. The grievance of the petitioner is that though he had submitted explanation to the show cause notice issued to him, no orders have been passed. It is stated that in the state of Andhra Pradesh, one is eligible to undergo Teacher Training Course provided he/she completes Intermediate. As there is provision in the state of Karnataka to the effect that one can undergo Teacher Training Course after passing S.S.C., petitioner is said to have undergone the said course in Karnataka and obtained certificate issued by the Karnataka Secondary Examination Board. He was selected the post of Secondary Grade Teacher in the year 1986 after all the relevant certificates were scrutinized.

5. Though no counter affidavit has been filed, learned Government Pleader appearing for the respondents fairly admits that no order has been passed against the petitioner by recording a finding that the said certificate produced by the petitioner is bogus.

6. Though learned Government Pleader submits that petitioner, being a servant of the local body, has to approach the A.P. Administrative Tribunal, it is to be seen that such remedy would be available to the petitioner at first instance, but, after the Writ Petition has been pending consideration for more than 7 years, at this stage, petitioner cannot be driven there.

7. The petitioner was interviewed by the District Selection Committee and as such he joined in service after the certificates produced by him were scrutinized. It is to be seen that the State Government had also recognized the certificate issued by the Karnataka Secondary Examination Board. Furthermore, as no adverse order has been passed against the petitioner to the effect that he has produced a bogus certificate, he cannot be asked to discontinue his services.

8. In the result, the Writ Petition is allowed as prayed for. No order as to costs.

JUSTICE R. SUBHASH REDDY.

October 17, 2006
MRR